

F I L E D
Clerk
District Court

1 FEB 17 2006
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6 For The Northern Mariana Islands
7 By _____
8 (Deputy Clerk)
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10 IN THE UNITED STATES DISTRICT COURT
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12 FOR THE NORTHERN MARIANA ISLANDS
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15 UNITED STATES OF AMERICA,) Criminal No. 04-00038
16 Plaintiff)
17 v.)
18 ERIC JOHN TUDELA MAFNAS) ORDER RE OBJECTION
19 and CHARLEY K. PATRIS,) TO SENTENCING BEING
20 Defendants) CONDUCTED BY JUDGE
21) MUNSON
22)
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At approximately 3:00 p.m. yesterday, February 16, 2006, defendant Patris filed an "objection" to today's 9:00 a.m. sentencing being conducted by myself. The objection is based on Fed.R.Crim.P. 25(b), which generally mandates that the trial judge should impose sentence, unless he or she is absent, deceased, ill, or absent for some other disability.

Judge A. Wallace Tashima presided over the jury trial in this matter when I was

1 unable to for reasons unrelated to the trial. Judge Tashima is presently in his
2 chambers at the U.S. Court of Appeals for the Ninth Circuit, more than six thousand
3 miles distant. He is absent within the meaning of the statute.
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5 Prior to the trial itself, I presided over all matters from the initiation of this
6 criminal proceeding on or about December 29, 2004, until shortly before the trial in
7 August, 2005. During that time I acquired a thorough familiarity with, and clear
8 understanding of, the case. I have since reviewed all five volumes of the case file, as
9 well as the comprehensive presentence investigative reports for each defendant, and
10 the letters addressed to the court on defendants' behalf. I have determined that in an
11 informed, sound exercise of judicial discretion, I can satisfactorily and competently
12 perform the sentencing duties of Judge Tashima, whom I have succeeded.
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15 DATED this 17th day of February, 2006.
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19 ALEX R. MUNSON
20 Judge
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